

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

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ALLEN JOYNER and CECILIA JOYNER,

Plaintiffs,

vs.

BRIDGE TERMINAL TRANSPORT, INC.

Defendant.

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NO. 3:11 cv 285

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**INITIAL CASE MANAGEMENT ORDER**

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A. JURISDICTION: The court has jurisdiction pursuant to 28 U.S.C. §1332 due to diversity of citizenship of the parties and the amount in controversy which exceeds \$75,000.00 and 28 U.S.C. §1391 since the cause of action arose in Davidson County.

B. BRIEF THEORIES OF THE PARTIES:

- 1.) PLAINTIFF: Allen Joyner, "hereinafter Joyner," was working for Tennessee Commercial Warehouse, Inc., and on February 17, 2010 Joyner was working on the property of Bridge Terminal Transport, Inc "hereinafter Bridge." Joyner slipped and fell on a icy, hazardous and dangerous condition that existed on Bridge's premises. Bridge failed to inspect the premises to see if any icy or dangerous conditions existed as a result of the prior winter weather. Bridge failed take appropriate action to prevent slippery and icy conditions from forming and remaining on the property, including but not limited to salting, plowing, or otherwise

removing ice and snow from the premises where they knew or should have known visitors would be on the premises. Bridge failed to give adequate notice and warning of such hazardous, dangerous, and unsafe condition on the premises. As a direct result of Bridge's negligence and failure to warn, Joyner slipped and sustained injuries and permanent damages.

- 2.) DEFENDANT: Defendant contends there was no negligence on its part with regard to plaintiff's alleged fall. In addition, Defendant relies on the comparative fault laws of Tennessee and contends Plaintiff was guilty of 50% or more of the fault, if any, and as such is barred from recovery.

C. ISSUES RESOLVED: Jurisdiction and venue. (Jurisdiction based on diversity with case being removed by Defendant from State Court)

D. ISSUES STILL IN DISPUTE: Liability and damages.

E. INITIAL DISCLOSURES: The parties shall exchange initial disclosure pursuant to Fed.R.Civ.P. 26(a)(1) on or before June 20, 2011.

F. DISCOVERY: The parties shall complete all written discovery and depose all fact witnesses on or before November 16, 2011. Discovery is not stayed during dispositive motions, unless ordered by the court. Local Rule 9(a)(2) is expanded to allow 40 interrogatories, including subparts. No motions concerning discovery are to be filed until after the parties have conferred in good faith and, unable to resolve their differences, have scheduled and participated in a conference telephone call with Judge Griffin.

G. MOTIONS TO AMEND: The parties shall file all Motions to Amend on or before August 1, 2011.

H. DISCLOSURE OF EXPERTS: The plaintiff shall identify and disclose all expert witnesses and expert reports on or before December 16, 2011. The defendants shall identify and disclose all expert witnesses and reports on or before January 17, 2012.

I. DEPOSITIONS OF EXPERT WITNESSES: March 16, 2012.

J. JOINT MEDIATION REPORT: The parties shall submit a joint mediation report on or before November 18, 2011.

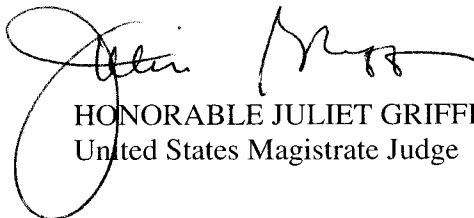
K. DISPOSITIVE MOTIONS: The parties shall file all dispositive motions on or before December 12, 2011. Responses to dispositive motions shall be filed within twenty-eight (28) days after service. Optional replies shall be filed within fourteen (14) days after service of the response.

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Briefs shall not exceed 20 pages.

L. ESTIMATED TRIAL TIME: The parties expect the trial to last approximately two (2) days.

It is so ORDERED.



HONORABLE JULIET GRIFFIN  
United States Magistrate Judge

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APPROVED FOR ENTRY:

/s/ Marshall H. McClarnon, III

DONALD D. ZUCCARELLO (D#15092)

MARSHALL H. MCCLARNON, III (D#26465)

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/s/ Carl Wyatt

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(Our File No. 11-109Z)